REMARKS

Claims 1 and 3-28 are pending in this application. By this Amendment, claim 1 is amended as suggested by the Office Action. Claim 2 is canceled and claims 3, 4, 16-19 and 28 are amended to depend from claim 1. No new matter is added.

Applicants appreciate the courtesies shown to Applicants' representative by Examiners Wilhelm and Nguyen in the January 22, 2009 personal interview. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

Applicants appreciate the Office Action's indication that claim 15 is allowed. For at least the reasons discussed below, all of the pending claims are in condition for allowance.

Claims 1-11 and 16-28 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of Mizuno et al. (U.S. Patent No. 7,213,834). The rejection is respectfully traversed.

Mizuno is not applicable in a double patenting rejection. To apply a reference in a double patenting rejection, the reference must have at least one common inventor and/or be either commonly assigned/owned or non-commonly assigned/owned but subject to a joint research agreement (see MPEP §804). The present application names Tatsuya Hayakama, Eiichi Yamada and Hitoshi Kondo as joint inventors and is assigned to Toyota Motor Corporation. Mizuno names Yoshio Mizuno, Hiromi Yabusaki and Yoshikazu Ohno as joint inventors, and is assigned to Toyoda Gosei Co., Ltd. Therefore, Mizuno shares no common inventor and is not commonly assigned. Further, there is no specific joint research agreement between Toyota Motor Corporation and Toyoda Gosei regarding the subject matter of the present application. Therefore, as agreed during the personal interview, the application of Mizuno in a double patenting rejection is improper. Applicants thus request withdrawal of the rejection.

Claims 1, 2, 4 and 16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of Nagata et al. (U.S. Patent No. 7,226,075). The rejection is respectfully traversed.

Applicants note that (i) the present application was filed prior to Nagata, (ii) the claims of the present application and Nagata could not have been filed in one application, and (iii) Nagata issued before the present application based on administrative delay of the PTO for the present application. Therefore, the Office Action should have applied a two-way obviousness test when issuing the obviousness-type double patenting rejection (see MPEP §804(II)(B)(1)(b)). Further, as agreed during the personal interview, the claims of Nagata are nonobvious over the claims of the present application. Therefore, the two-way obviousness test has not been met and thus the obviousness-type double patenting rejection should be withdrawn. Applicants thus request withdrawal of the rejection.

Claim 1 is rejected under 35 U.S.C. §102(b) over Saslecov (U.S. Patent No. 6,092,836). The rejection is respectfully traversed.

Saslecov does not teach every claimed feature of claim 1. As agreed during the personal interview, Saslecov does not teach "a non-inflatable airbag support that is directly attached to the airbag," as recited in claim 1 (emphasis added).

Therefore, for at least these reasons, claim 1 is patentable over Saslecov. Applicants thus request withdrawal of the rejection.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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